

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JOSE GARCIA,
Plaintiff

v.

UNIVERSITY OF CONNECTICUT
HEALTH CARE CENTER, ET AL.,
Defendant.

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:
: CIVIL CASE NO.
: 3:16cv852(JCH)
:
:
:
: DECEMBER 21, 2018
:

**RULING RE: PLAINTIFF’S MOTION FOR PARTIAL RE-OPENING OF DISCOVERY
(DOC. NO. 100)**

The plaintiff, now appearance through appointed, pro bono counsel, has moved for partial reopening of discovery and seeks to take five depositions and obtain certain discovery of documents and material things. The defendants oppose all of the discovery sought.

The court grants the plaintiff’s Motion in part. The court will permit the deposition of Marie Benuoto, concerning medication and Behavioral Observation Status (“BOS”) procedures not being followed on May 6 and 7 of 2014. The deposition of Nurse Cruz will be permitted with regard to his intentions with respect to checking boxes on the form shown in the plaintiff’s Motion at page 2. Finally, the court permits the deposition of S.W. McCarthy concerning the placing of plaintiff on BOS on the date in question. However, the court denies the deposition of Person 2, because the court can discern no purpose for it, and denies the deposition of Person 5. To the extent there is some issue about the authenticity of the record described with respect to Person’s 5 deposition, the court directs counsel for the defendants to work with plaintiff’s counsel to reach agreement about the document.

Plaintiff also seeks the production of documents and other items. First, plaintiff requests all video recordings and log sheets. Defendants report that they have produced all such video recordings. The court orders that they produce them and, if they have already produced them, direct plaintiff's counsel's attention as to where plaintiff's counsel can find them. The defendants should act similarly with respect to the incident report, which defendants claim has also been produced, and which the plaintiff seeks. The court denies the Motion with respect to the plaintiff's request for documents concerning deaths and incidents concerning other inmates as not relevant to this case.

For the foregoing reasons, the Motion for Partial Reopening of Discovery is **granted in part** and **denied in part**.

SO ORDERED.

Dated at New Haven, Connecticut this 21st day of December 2018.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge